REMARKS

Claims 12, 15-16, 19-23, 25-26, 28-29, and 31-33 are pending in the present application. In the above amendments, claims 12, 15-16, 19-23, 25, 28, and 31 have been amended, and claims 1-11, 13-14, 17-18, 24, 27, 30, and 34-43 are canceled, without prejudice.

Claim Rejections – 35 USC § 112

Claims 22-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The office action states that the "specification does not support the computer program product claims." In response, applicant has amended claims 22-23, and 25 to now recite a "memory" which is clearly supported by the specification, e.g., see paragraph no. 0015 of the specification.

Claim Rejections – 35 USC § 101

Claims 22-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The office action states that the claims are drawn to a computer program and therefore, not statutory. Applicant has amended claims 22-23 and 25 to now recite a "memory comprising instructions ..." and therefore the claims are now deemed to be clearly statutory since the claims cover structure, i.e., "memory" which has stored thereon "instructions." As the office action recognizes, "When functional descriptive material is recorded on some computer-readable medium ... will be statutory in most cases ... citing Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Applicant respectfully submits that such is the case here since the claims explicitly recite a "memory."

Claim Rejections – 35 USC § 103

Claims 12, 14-16 and 18-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dierks et al. (Dierks), The TLS Protocol, Version 1.0 in view of Huber et al. (Huber), U.S. Patent No. 7,237,261 and further in view of Pathmasuntharan et al. (Pathmasuntharan), U.S. Patent No. 6,955,299.

With respect to each of the pending independent claims 12, 16, 20, 21, and 22, it is respectfully submitted that Dierks, Huber, and Pathmasuntharan, either individually or collectively, does not teach nor suggest certain claimed features as now recited.

In particular, it is respectfully submitted that Dierks, Huber, and Pathmasuntharan does not teach nor suggest the claimed feature of "generating, after termination of the first wireless communication and prior to initiation of a second <u>secure</u> wireless communication <u>with a desired commuication device, a second public key for transmission to the desired communication device</u>" (emphasis added) as now claimed in independent claim 12 and similarily claimed in claims 16, 20, 21, and 22.

In addtion, it is respectfully submitted that Dierks, Huber, and Pathmasuntharan does not teach nor suggest the additional claimed features of:

<u>"storing the second public key in memory prior to initation of the second secure wireless communication with the desired communincation device;</u>

<u>initiating, in response to user input, the second secure wireless communication with the desired communication device; and</u>

<u>transmitting the second public key to the desired communication device if the second public key is available in the memory"</u>

as now claimed in claim 12 and similarly claimed in claims 16, 20, 21, and 22. Support for these claimed features can be found, e.g., in Fig. 2, steps 204, 206, 208, 210, and 214 and their respective written descriptions in the specification.
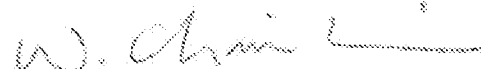
Since the above claimed features are not taught nor suggested by the references cited above, Applicant respectfully requests that the 103 rejections be withdrawn.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: 4/13/2009

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